IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7468 of 2000

DATED: 28-8-2006

Between:

Y.Mutyala Naidu petitioner

And

Visakapatnam Doc Labour Board,
Visakapatnam
Rep by its Vice Chairman Respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 7468 of 2006

ORAL ORDER:

The present writ petition is filed, seeking the relief as under;

> "…….declaring the action of the respondent in denying the appointments to the petitioners in the quota of sons of deceased workmen on the ground of pendency of W.P. No. 18695 of 1993 as arbitrary, unreasonable and unconstitutional and to issue a direction to the respondent to appoint the petitioners as dependants of the deceased workmen….."

The father of first petitioner and father of second petitioner were employed in the respondent Dock Board. They raised a dispute with regard to their date of birth and filed W.P. No. 18695 of 1993 and obtained an order dated 28.4.1994 directing the respondents to continue them till they attain the age of 60 years as per the certificate issued by the Mandal Revenue Officer. In pursuance of the orders of this Court they were continued in the respondent Dock board. While so, the father of first petitioner died on 9.9.1999 and father of second petitioner died on 23.1.1998. Thereafter, the petitioners made representation to the respondent Dock Board to provide employment on compassionate grounds. The petitioners were issued with interview call letters dated 24.2.2000, however, by proceedings dated 23.3.2000 they were informed not to attend the interview in view of pendency of W.P. No. 18695 of 1993 filed by the father of first and

second petitioners. Questioning the action of the respondents in not considering the cases of the petitioners for compassionate appointment in view of pendency of writ petition No. 18695 of 1993, the present writ petition is filed.

A counter affidavit was filed by the respondent stating that as per the records of the respondent organization the petitioners father Mr.Y.Gangayya and Mr.G.Akkaiah respectively are supposed to retire on 30.4.1995 on attaining the age of superannuation of 60 years. That they were continued in service pursuant to interim directions of this Court dated 29.9.1994 and expired on 9.8.1999 and 23.1.1998 respectively. The contention that their date of birth was wrongly recorded was denied and it is stated that the petitioners are not entitled to claim the benefit of compassionate appointment since the concerned employees have left over service of two years only. It is specifically stated that since the writ petition no. 18695 of 1993 is pending with regard to date of superannuation of the concerned employees, petitioners case would not be considered for employment till the case is finalized.

Learned counsel for petitioner submitted that W.P. No. 18695 of 1993 was dismissed as infructuous by order dated 18.6.2004. It is further submitted that in view of the dismissal of the writ petition, there is no impediment for the respondents to consider the case of the petitioners for appointment on compassionate grounds in accordance with law. A copy of order dated 18.6.2004 is produced before the Court.

Heard learned counsel for petitioner and learned Standing Counsel for respondent Board. Both counsel agreed for disposal of the writ petition with a direction to consider the case of the petitioner in accordance with law and pass appropriate orders.

Having regard to the fact that W.P.No. 18695 of 1993 is dismissed by order dated 18.6.2004 and in view of the agreed stand

taken by the counsel appearing for both sides, the writ petition is disposed of directing the respondent to consider the case of the petitioners for appointment on compassionate grounds and pass appropriate orders in accordance with law expeditiously. No costs.

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N.V.RAMANA,J

DATE: 28.8.2006
TVK

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